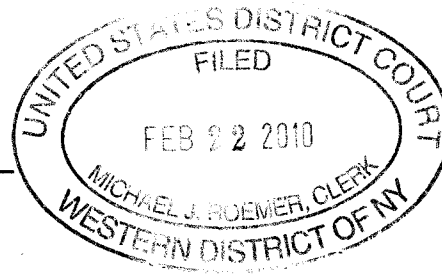


UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK



-PS-O-

ROBERT BALON,

Plaintiff,

-v-

MANUF & TRADERS TRUST/MT BANK,

Defendant.

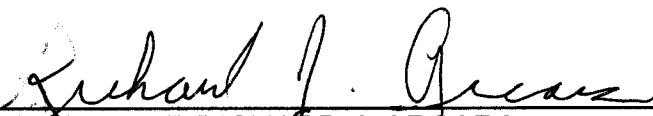
DECISION AND ORDER
09-CV-0568A

On June 19, 2009, plaintiff filed a complaint against M&T Bank and Chex Systems. Service on these defendants was directed in an Order dated July 8, 2009. A review of the file indicates that no proof of service on M&T Bank ever was filed, but that M&T Bank signed the stipulation of dismissal (Dkt. No. 5) releasing Chex Systems from this case. Given the lack of activity in this case since October 8, 2009, the Court is uncertain whether the parties intended to close the case entirely through the stipulation, even though the stipulation indicates that only Chex Systems was to be dismissed.

Accordingly, the Clerk of the Court is directed to serve M&T Bank with a copy of the stipulation and a copy of this Order, at the address indicated in the stipulation. On or before **March 19, 2010**, the parties shall file a response to this Order indicating whether any defendants remain in the case and if so, whether the case will proceed. If no parties file a response by **March 19, 2010** then the Clerk

of the Court shall dismiss the case for failure to prosecute without further order or notice to the parties.

IT IS SO ORDERED.



HONORABLE RICHARD J. ARCARA
DISTRICT JUDGE
UNITED STATES DISTRICT COURT

Dated:

Feb 19, 2010